

Serial No. 09/850,314

Page 8

REMARKS

Claims 1-20 are pending in this application. By this Amendment, claims 1, 4, 9, 11, 16, and 17 are amended. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

The July 26, 2004 Office Action rejects, under 35 U.S.C. § 103, claims 1-20 over Fitch et al. (U.S. Patent No. 6,321,092 B1) and Walsh et al. (U.S. Patent No. 6,603,977 B1). This rejection is respectfully traversed.

Applicants assert that neither Fitch et al. nor Walsh disclose or suggest eliciting, by the location server, location information corresponding to the target MS from a subset of a plurality of reporting devices while failing to obtain location information from the target MS, as recited in independent claim 1, and similarly recited in independent claims 11 and 16.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the reference or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references, when combined, must teach or suggest all of the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure (MPEP 2142). The prior art must suggest the desirability of the claimed invention (MPEP 2143.01).

Fitch et al. discloses multiple input data management for wireless location-based applications. Multiple location finding equipment systems (104, 106, 108, 110) are used to support a wireless location application. A mobile switching center (112) is used to route wireless communications to or from wireless stations (102) (col. 4, line 64 – col. 5, line 16). Cell/sector location information is transmitted to a location manager (16) via the MSC (112). Fitch et al. does not disclose eliciting location information from a subset of a plurality of reporting devices while failing to obtain location information from a target MS using a long-range wireless communication system link.

Walsh et al. discloses a location information system for a wireless communication device and a corresponding method. According to Walsh et al., the location-enabled service always gets

Serial No. 09/850,314

Page 9

the location from the target wireless communication device itself, either via the long-range link or via the short-range link (col. 16, lines 52-60). Thus, Walsh et al. does not disclose obtaining location information while a location server is failing to obtain location information from a target MS.

Furthermore, Walsh et al. discloses the wireless communication device receives location information from the reporting devices or the location-enabled service gets information from the target wireless communication device (col. 16, lines 1-6, 17-29, and 43-51). Thus, Walsh et al. also does not disclose eliciting, by the location server, location information corresponding to a target MS from a subset of a plurality of reporting devices.

Additionally, Walsh et al. does not disclose storing a target MS identity at reporting devices.

Consequently, neither Fitch et al. nor Walsh disclose or suggest eliciting, by the location server, location information corresponding to the target MS from a subset of a plurality of reporting devices while failing to obtain location information from the target MS, as recited in independent claim 1, and similarly recited in independent claims 11 and 16.

Therefore, Applicants respectfully submit that independent claims 1, 11, and 16 define patentable subject matter. The remaining claims depend from the independent claims and therefore also define patentable subject matter. Accordingly, Applicants respectfully request the withdrawal of the rejection under 35 U.S.C. § 103.

### CONCLUSION

Based on the foregoing amendments and remarks, Applicants respectfully submit this application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-20 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Serial No. 09/850,314

Page 10

The Commissioner is hereby authorized to deduct any fees arising as a result of this Amendment or any other communication from or to credit any overpayments to Deposit Account No. 50-2117.

Respectfully submitted,



Matthew C. Lopprow  
Attorney for Applicant  
Registration No. 45,314

Dated: November 12, 2004

Phone No. (847) 523-2585

Fax No. (847) 523-2350

Please send correspondence to:  
Motorola, Inc.  
Intellectual Property  
600 North U.S. Highway 45  
Libertyville, IL 60048